

Remarks

Claim 16 is amended to correct a small error. The amendment does not affect the substance of the claim nor does it add new matter. Claims 1-30 remain pending. Reconsideration and allowance of the pending claims is requested in light of the following remarks.

Claim Rejections - 35 U.S.C. § 103

Claims 1-30 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Pub. No. 2003/0189920 to Erami et al. ("Erami") in view of U.S. Pub. No. 2002/0083260 to McCormick et al. ("McCormick"). The applicant respectfully disagrees.

Claim 1 recites a control card comprising a control processor and a line card comprising a line processor. Claim 1 further recites that the line processor is configured to aggregate information related to link failures, such that only one link failure notification is reported to the control card.

The OA apparently alleges at page 2 that one of Erami's elements 16, 18, or 19 (FIG. 2) is the recited control processor, and that one of Erami's elements 12, 15, or 17 (FIG. 2) is the recited line processor. The OA states at pages 2-3 "(two inputs to failure managing unit, see 17 fig. 2), such that only one link failure notification is reported to the control card (a failure notification to the LMP control unit, see 17 and 19 fig.2 and ¶.61-62)"

It is apparently suggested by the OA that the required aggregation is disclosed by Erami because the failure managing unit 17 receives input from both the optical failure detecting unit 12 and the O/E converting unit 15, and further because the failure managing unit 17 is also in communication with the LMP controlling unit 19. The applicant would point out that the optical failure detecting unit 12 monitors failure on the data channels, while the O/E converting unit 15 monitors failures on the control channels (FIG. 2). Claim 1 requires that the line processor aggregate link failures. The link failures that are explicitly recited in claim 1 correspond to failures on a data link, not to failures on a control channel (see, e.g., specification at page 1, line 4 to page 2, line 14; page 5, line 23 to page 6, line 4. The OA has not identified any evidence that teaches or suggests that multiple failure notifications from the optical failure detecting unit 12 are aggregated into a single failure notification by the failure managing unit 17.

Erami's paragraph 62 states that the failure managing unit 17 notifies the LMP controlling unit of failures from the O/E converting unit 15 or the optical failure detecting unit 12. This does not teach or suggest that multiple failure notifications from the unit 12 are aggregated into a single failure notification, it does not teach that multiple failure notifications from the unit 15 are aggregated into a single failure notification, and it certainly does not teach that multiple failure notifications from both of the units 12 and 15 are aggregated into a single failure notification. In fact, it would not make sense to aggregate failure notifications from both the units 12 and 15 because, as mentioned above, one monitors the control channels while the other monitors the data channels.

Furthermore, the suggestion that Erami teaches the recited aggregation is an argument that relies upon inherency, and the OA has not properly supported such an argument by presenting facts or technical reasoning that reasonably supports the proposition that the recited aggregation must occur based upon the identified teachings. See, e.g., MPEP 2112(IV).

McCormick does not cure the deficiencies of Erami identified above. Consequently, the finding that the prior art included all claimed elements can not be made, and the rationale presented in the OA is insufficient to support a conclusion of obviousness for claim 1. MPEP 2143(A). Claims 2-8 are allowable at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Independent claims 9, 16, 22, and 25 recite features similar to the one discussed above for claim 1. Thus, for the same reasons, the rationale presented in the OA is insufficient to support a conclusion of obviousness for these claims. Claims 10-15, 17-21, 23-24, and 26-30 are allowable at least because any claim that depends from a nonobvious independent claim is also nonobvious.

Conclusion

In view of the foregoing remarks, reconsideration and allowance of the pending claims is requested. Please call the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read "Todd J. Iverson", written over a horizontal line.

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